

R E M A R K S

Reconsideration of this application, as amended, is courteously solicited.

The period for response to the Office Action of March 6, 2002 has been extended by three months to and including September 6, 2002 by the Petition For Extension Of Time attached hereto and made a part hereof. Favorable action with respect thereto is courteously solicited.

A Notice of Appeal has also been filed herewith to ensure that the Examiner has all of the time necessary fully to consider the issues in this case.

THE OFFICE ACTION OF MARCH 6, 2002

First, it is specifically noted that claims 7, 8 and 9, were not rejected in the Office Action of October 22, 2001 on any substantive basis, that is, they were not rejected on the basis of any prior art or other ground. However, claims 7, 8 and 9 were rejected in the Office Action of March 6, 2002. Accordingly this is the first opportunity the applicant has had to respond to the rejection of these claims on a substantive basis.

Second, it is also specifically noted that claims 3, 4, 7 through 11 and 13 through 15 were rejected in the Office Action of March 6, 2002 only on the basis of the Richey et al. reference. Since, as believed to be established herein, the Richey et al. reference is not in any respect prior art to the subject patent application, or otherwise relevant in this case, it is believed that at least these claims, that is, claims 3, 4, 7 through 11 and 13 through 15, are clearly allowable.

Third, only claims 1, 2 and 6 were rejected in the subject Office Action on the basis of other references (the patents to Wickramanayake and Hagen et al.) which are herein distinguished as to the question of patentability under either 35 U.S.C. § 102 or 35 U.S.C. § 103. Accordingly, it is believed these claims, that is, claims 1, 2 and 6, are allowable as well.

Fourth, claim 11 was, for the first time, rejected on the basis of the Richey et al. reference together with the Wickramanayake et al. patent and ordinary skill in the art. Favorable action thereon is respectfully requested in view of the action taken herein and the distinctions discussed at length.

Fifth, the Office Action of March 6, 2002 still does not indicate whether or not the drawing has been accepted in this case. Clarification as to this issue is again respectfully requested.

In view of the foregoing, the applicant respectfully requests that the finality of the Office Action of March 6, 2002 be withdrawn since the applicant still does not have sufficient information as to the position of the United States Patent and Trademark Office in these regards.

More specifically, the Office Action of March 6, 2002 rejected claims 1 through 4, 6 through 11 and 13 through 15 under 35 U.S.C. 102(a) “*as being anticipated by Richey et al. in ‘Improved Ozone Quenching With Calcium Thiosulfate.’*” The Office Action goes on to state that “*Richey et al. teach a method for treating water comprising disinfecting the water with ozone in a treatment system, wherein the system includes an ozone quenching system. In the ozone quenching system, an ozone quenching chemical is added directly to the water as it passes through the treatment system, in an amount to reduce the dissolved ozone concentration to non-detectable levels without reacting with chlorine added downstream to produce by-products. The untreated water provided to the treatment system of Richey et al. would not be potable without*

the treatment, and therefore may be considered as wastewater. Richey et al. teach that calcium thiosulfate has advantages as the ozone quenching chemical.”

The applicant hereby again believes to have established that Richey et al. is not prior art relative to the subject invention under 35 U.S.C. 102(a) or 35 U.S.C. 103(a) and thereby cannot be relied upon in rejecting any claims in this case. As stated clearly on the last page of Richey et al., it was presented at the International Ozone Conference in Orlando, Florida, on October 3, 2000. The instant patent application was filed in the United States Patent and Trademark Office on February 23, 2000 more than seven (7) months before. Accordingly, the applicant again respectfully requests that the citation of and reliance upon Richey et al. be withdrawn. The Declaration Under 37 C.F.R. § 1.132 of Donald D. Holbrook of Exhibit B hereof has been amplified hereby from the previous Declaration Under 37 C.F.R. § 1.132 of Donald D. Holbrook of Exhibit A submitted with the Amendment of February 1, 2002 in this case in a good faith effort to advance the prosecution of the case to allowance, as will hereinafter be discussed in greater detail.

The Office Action rejected only claims 1, 2 and 6 under 35 U.S.C. 102(b) as being anticipated by references other than Richey et al. As to the Wickramanayake patent, the subject Office Action holds that claims 1, 2 and 6 are “*clearly anticipated by Wickramanayake (column 4, lines 47-52; column 9, lines 56-59). Wickramanayake teaches a method for treatment of soils contaminated with organic pollutants. In this method of Wickramanayake, the work material is a gas mixture that has passed through soil; the target constituent is ozone; the treating agent is sodium thiosulfate; and the objective is to quench the ozone.*” It is readily apparent that the Wickramanayake patent neither discloses nor suggests the applicant’s invention as defined by the pending claims. It discloses only a method for treating soil through which a gas-ozone mixture is passed with sodium thiosulfate – not calcium thiosulfate as in the applicant’s invention. In other

words, the gas-ozone mixture is used to treat the soil to remove contaminated organic compounds. The applicant's invention is entirely different and for a different purpose. This will hereinafter be discussed in greater detail.

Claims 1, 2 and 6 were rejected in the subject Office Action under 35 U.S.C. 102(b) "as being clearly anticipated by Hagen et al. (abstract; column 18, lines 47-61). In this method of Hagen et al., the work material is a fluid; the target constituent is an oxidant such as ozone; the treating agent is oxidant scavenger particulates which may be sodium thiosulfate particulates; and the objective is to remove the oxidant." Hagan et al. does not use or suggest using calcium thiosulfate as in the applicant's invention. Again, the subject Hagen et al. reference does not disclose nor suggest the applicant's invention. This will also be further discussed subsequently in greater detail.

Only claim 11 was rejected in the subject Office Action under 35 U.S.C. 103(a) "as being unpatentable over Richey et al. Richey et al. disclose the method described above. The claim differs from Richey et al. by reciting a specific rate of calcium thiosulfate application to the water. It is submitted that one of ordinary skill in the art, when practicing the method of Richey et al., would have been expected to arrive at the optimum rate of calcium thiosulfate application by routine experimentation. In fact, Richey et al. disclose that the ozone quenching agent dose is a function of the ozone concentration in the water, and should be adjusted to reduce the dissolved ozone concentration without adding so much of the agent that the unoxidized agent would react with chlorine added downstream. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the present invention was made, to have applied calcium thiosulfate to the water in the amount recited in instant claim 11, depending on the concentration of dissolved ozone in the water being treated, absent a sufficient showing of unexpected results." As heretofore and hereinafter discussed, the Richey et al. reference is

believed clearly not to be prior art relative to the instant patent application, or to be otherwise relevant to any issue in this case. Certainly, without Richey et al., one could not find the subject invention to be obvious to one of ordinary skill in the art at the time the subject invention was made. Therefore, it is believed claim 11 is allowable. The allowance thereof is respectfully requested.

The allowability of claims 1, 2, 6 and 11 will hereinafter be discussed in greater detail.

THE PERSONAL INTERVIEW OF AUGUST 14, 2001

A personal interview in this case was held between the Examiner, Betsy M. Hoey, and the applicant's attorney, Rodney K. Worrel, on August 14, 2001 at 10:00 a.m. The interview was held in the Examiner's office in the United States Patent and Trademark Office. As recorded in the Interview Summary completed by the Examiner on that date and of record in this case, the reference of Richey et al. and "new reference 5,232,584" were discussed.

The applicant's attorney's recollection of the result of the personal interview is not quite the same as that of the Examiner. The suggested Declaration referred to in the Interview Summary was submitted as Exhibit A with the Amendment of February 1, 2002 and was believed to have removed "Richey et al." as a reference based upon the comments of the Examiner during the personal interview. If the Declaration of Exhibit A had been accepted by the Examiner, Richey et al. would have been removed as a reference and on the record to that point, that is the Office Action of October 22, 2001, at very least claims 7, 8, 9 and 10 would have been allowable. Furthermore, the personal interview was held shortly after the Amendment

in response to the Office Action of January 26, 2001 had been filed, that is, July 26, 2001. That Amendment had amended certain of the claims. Therefore, the applicant had a reasonable belief that claims were allowable in the case. It now appears that the apparent allowability of at least claims 7, 8, 9 and 10 was so indicated in two separate errors made by the United States Patent and Trademark Office, as confirmed in paragraph 1 on page 2 of the Office Action of March 2, 2002.

Nonetheless, the applicant has submitted herewith an amplified new Declaration marked "Exhibit B" in a goodfaith effort to advance the prosecution of this case and again wishes to thank Examiner Hoey for her courtesy and cooperation in this case.

**DECLARATION UNDER 37 C.F.R. § 1.132
OF DONALD D. HOLBROOK OF EXHIBIT B**

Attached hereto and made a part hereof as "EXHIBIT B" is the Declaration Under 37 C.F.R. § 1.132 of Donald D. Holbrook. As set forth in the Declaration, Donald D. Holbrook is the sole inventor in this case and President of Ag Formulators, Inc., the assignee of all of his rights in the subject invention and the subject patent application as set forth in the Assignment Of Invention dated February 23, 2000 duly recorded in the United States Patent and Trademark Office.

The Declaration of Exhibit B hereto establishes, among other matters, that the Richey et al. reference in this case is not prior art to the subject invention and patent application

nor is anything stated in the Richey et al. reference relevant to any issue in this case. The Declaration confirms, as the Examiner has noted, that the Richey et al. reference was not published until long after the filing of the subject patent application and therefore is not prior art. The Declaration further confirms that any date stated in Richey et al. was only in regard to testing or other irrelevant matters not of any relevance to the subject patent application. The Declaration confirms that the filing date of the subject patent application is earlier than one year after any date upon which any action took place relative to the subject invention which could have any bearing in this case.

More specifically, the Declaration of Exhibit B hereto establishes by means of the Declaration of the inventor Donald D. Holbrook and supporting Exhibits 1 and 2 thereof, among other facts, that: the Incline Village plant was a small plant about four years old (paragraph 16); the test occurred in February, 1999 and probably late February, 1999 (paragraph 16 and 17); Ag Formulators, Inc. worked in assistance with those at the Incline Village plant to conduct the test (paragraph 18); Ag Formulators, Inc. supplied the materials free of charge to those at the Incline Village plant for conducting the test (paragraph 12 and 13); the Incline Village plant had never before used calcium thiosulfate to quench ozone or for any other purpose (paragraph 16); the test could not be conducted at the Incline Village plant until sodium bisulfite was removed from the plant (paragraph 17); the test was conducted by personnel of the plant with the assistance of Ag Formulators, Inc. (paragraph 18); neither the inventor, nor anyone else at Ag Formulators, Inc. nor the Incline Village plant knew whether the test would work or not because the invention had never before been tested by the inventor or anyone else other than in laboratory tests or very small scale at the inventor's direction (paragraph 16); the variables which could possibly influence the test were many and were manifest (paragraph 16); any one or more of these variables could cause the test to be unsuccessful (paragraph 16); and the test was of particular

importance because the plant in normal operation produced drinking water (paragraph 16).

Since this was purely and simply a test conducted at the direction of and with the assistance of Ag formulators, Inc.; since even the test could have been conducted less than one year before the filing date of the subject patent application (that is, February 23, 2000); since the Richey et al. article was not presented until more than seven (7) months after the filing date of the subject patent application; and since the viability of the invention could not be determined until after the conducting of such a test, it is clear that nothing contained in the Richey et al. reference is relevant to any issue in this case.

The applicant, accordingly, again requests that the citation of the Richey et al. reference in the rejection of any of the pending claims be withdrawn and that the affected claims be allowed.

DISTINCTIONS IN CLAIMED INVENTION OVER CITED PRIOR ART

Those claims rejected in the Office Action of March 6, 2002 were rejected solely on the basis of the Richey et al. article entitled "Improved Ozone Quenching With Calcium Thiosulfate;" the Wickramanayake United States Patent No. 5,269,943; the Hagen et al. United States Patent No. 5,700,375; and, in the case of claim 11, ordinary skill in the art. The claims, as amended, are believed clearly allowable thereover for the reasons herein set forth.

First, the Richey et al. reference is not in any respect prior art relative to the subject patent application, or relevant for any other purpose in this case, as heretofore established.

Second, the Wickramanayake United States Patent No. 5,269,943 is cited solely in

the rejection of claims 1, 2 and 6 on the basis of the subject matter in column 4, lines 47-52 and column 9, lines 56-59. More specifically, the Office Action states that “Wickramanayake teaches a method for treatment of soils contaminated with organic pollutants. In this method of Wickramanayake, the work material is a gas mixture that has passed through soil; the target constituent is ozone; the treating agent is sodium thiosulfate; and the objective is to quench the ozone.” [Emphasis added] In contrast, in the applicant’s invention, as disclosed and claimed, the work material is a fluid, or water, the target constituent is ozone and the treating substance is calcium thiosulfate (in the preferred embodiment.) In the more narrow pending claims, the calcium thiosulfate is applied to the water before it passes from a water treatment system substantially without the release of undesirable by-products and the ozone in the water is substantially rendered harmless. This is entirely dissimilar from Wickramanayake. In fact, Wickramanayake can most fairly be identified as teaching the application of ozone to contaminated soil to decompose organic compounds in the soil. Accordingly, the pending claims are believed clearly to be allowable over the Wickramanayake reference.

Third, the Hagen et al. United States Patent No. 5,700,375 is cited solely in rejecting claims 1, 2 and 6 on the basis of subject matter in the abstract and column 18, lines 47-61. However, Hagen et al. employs particle loaded membranes as oxidant scavengers in accordance with a method that neither discloses nor suggests the applicant’s invention. As may have any arguable relevancy in this case, it suggests only the use of sodium thiosulfate in an entirely different method. It does not disclose the use of calcium thiosulfate and otherwise does not disclose or suggest the method of the applicant’s invention. Accordingly, the pending claims are believed clearly to be allowable over the Hagen et al. reference.

It is respectfully submitted that all of the pending claims are clearly allowable over the prior art for the reason heretofore set forth.

In view of the foregoing, this application is believed to be in condition for allowance.

Therefore, prompt Notice of Allowance of the subject application, including claims 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14 and 15 is respectfully requested.

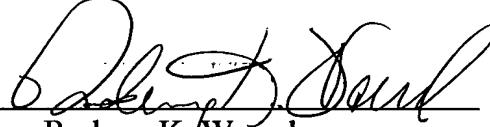
In the event, a Notice of Allowance is not issued as to all of the pending claims, the applicant courteously requests that the finality of the Office Action of March 6, 2002 be withdrawn for the reasons stated on the pages of this Amendment following the subheading hereof "THE OFFICE ACTION OF MARCH 6, 2002."

The applicant, through his attorney of record, authorizes the Examiner to telephone the attorney collect in the event a telephone discussion could be helpful to the prosecution of this patent application.

Respectfully submitted,

DONALD D. HOLBROOK

BY: WORREL & WORREL

By 
Rodney K. Worrel,
Registration No. 27,475

Attorney of Record for Applicant

WORREL & WORREL
St. Croix Professional Center
2109 W. Bullard Avenue, Suite 121
Fresno, California 93711-1258
Telephone (559) 431-4391
Fax (559) 431.4387



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION UNDER 37 C.F.R. §1.132

Applicant : Donald D. Holbrook
Serial No. : 09/511,830
Filed : February 23, 2000 **Art Unit:** 1724
For : METHOD FOR TREATING A WORK MATERIAL
Examiner : Betsy M. Hoey

Honorable Commissioner of Patents
and Trademarks
Washington, D. C. 20231

Fresno, California

September 5, 2002

Sir:

I, Donald D. Holbrook, declare that:

- 1) I reside at 653 E. Pintail Circle, Fresno, California 93720.
- 2) I am the sole inventor of the above-identified invention of the above-identified patent application now pending before the United States Patent and Trademark Office.
- 3) I am currently employed by Ag Formulators, Inc., having a business address of 5427 E. Central Ave., Fresno, California 93725, to which I have assigned all of my rights in the subject invention and patent application as set forth in the Assignment Of Invention dated February 23, 2000 filed with the subject patent application and duly recorded in the United States Patent and Trademark Office.

RECEIVED
TC 1700 MAIL
SEP 19 2002
USPTO

- 4) I am currently, and was at the time of the invention herein above stated, employed by Ag Formulators, Inc. as the President.
- 5) I have been employed in this same capacity by Ag Formulators, Inc. for more than ten (10) years.
- 6) I am a scientist and have a degree of Bachelor of Science in Soil Science from California State Polytechnic University, at San Luis Obispo.
- 7) The intellectual property lawyer for Ag Formulators, Inc. is Rodney K. Worrel, Registration No. 27,475 before the United States Patent and Trademark Office.
- 8) I am the declarant of the "DECLARATION UNDER 37 C.F.R. § 1.132" of "Exhibit A" filed in this case in support of the Amendment of February 1, 2002 which, in turn, was in response to the Office Action of October 22, 2001.
- 9) The intellectual property lawyer for Ag Formulators, Inc., the assignee of the rights herein, has brought to my attention that in the most recent Office Action the Examiner has held that the Declaration of Exhibit A "is insufficient to overcome the rejection of claims 1-4, 6-11 and 13-15 based upon Richey et al. as set forth in the last Office Action because: no evidence was submitted to support the

allegation that the subject patent application was filed earlier than one year after any action took place relative to the subject invention.” With respect to this article identified as “Richey et al.”, it is my understanding that the most recent Office Action now rejects all of the pending claims of the subject patent application under either 35 USC § 102 or 35 USC § 103 on the basis of the “Richey et al.” reference.

- 10) It is clear to me that the “Richey et al.” reference is not prior art relative to the subject patent application and the invention thereof for the reasons set forth herein and as supported by the exhibits attached hereto and made a part hereof.
- 11) The article of the “Richey et al.” reference was not published until long after any date having relevance in this case, that is it was presented at the International Ozone Conference – Pan American Group in Orlando, Florida on October 3, 2000. This fact is indicated near the bottom of the last page of the “Richey et al.” reference. The subject patent application was filed well before that date on February 23, 2000, as is of record in this case.

12) Attached hereto and made a part hereof as "Exhibit 1" is a copy of Invoice Number 003181 dated January 22, 1999. The description on the invoice is "4" 55 gallon drums of "CAPTOR", which is a trademark of Ag Formulators, Inc. used on calcium thiosulfate. The 4 drums were shipped to Incline Village to test the invention of the subject patent application at no charge, as indicated on the invoice: "NO CHARGE PER BRUCE." The entry "SOLD TO" on the invoice is only so stated because this is a standard form used internally by Ag Formulators, Inc. As the invoice of Exhibit 1 indicates, there was no charge for the shipment as indicated by the multiple entries in the "Amount" column of ".00" and the Invoice Total of "\$.00." The test was conducted by Incline Village after receiving the shipment of Exhibit 1, but probably not for some period of time thereafter because of several factors. These factors include that Incline Village would first test the calcium thiosulfate received in the shipment as to quality and efficacy and consult with the engineering company which designed the plant to see if there were any unknown risks in conducting a test using calcium thiosulfate as a reagent.

- 13) The shipment of Exhibit 1 hereto was entirely for test purposes as evidenced by the fact that there was no charge for the shipment.
- 14) The first test on the subject invention was not conducted until February, 1999 using the calcium thiosulfate of the invoice of Exhibit 1 to this declaration.
- 15) Attached hereto and made a part hereof as "Exhibit 2" is Invoice No. 003418 dated March 1, 1999 which was the first sale of calcium thiosulfate to Incline Village. This was less than one year before filing of the subject patent application. As the invoice of Exhibit 2 hereto indicates, 220 gallons of "CAPTOR" were sold at a price of "\$572.00", as indicated in the "Amount" column.
- 16) We did not know whether this test would work because we had never tested the invention other than in laboratory tests in very small quantities. The invention had never been tested in a plant of any type; the Incline Village plant was a small plant about four years old. The variables which could affect the test in such a plant include at least the following, all of which were unknown, both as to content as well as to their influence, if any, on the invention: the mineral and other content of the water being treated; the concentration

of the ozone in the water being treated; the temperature of the water being treated; the specific construction of the plant in which the water was treated having direct contact therewith; the length of time of contact with the ozone; the physical length, or distance, through the plant of contact with the water, ozone and calcium thiosulfate to be used; whether or not odors would be produced in the water resulting from the test. These factors were particularly important because the water treated by the plant in normal operation is used for drinking water.

- 17) The test itself may well have been conducted less than one year before filing of the subject patent application because the plant of the test had been using sodium bisulfite to quench ozone. Before you would conduct the test, you would first need to clean out the sodium bisulfite because you would never want to mix sodium bisulfite and calcium thiosulfate. I estimate that such cleaning of the sodium bisulfite from the plant would take about three to ten days. You would not want to mix these two reagents because you could not predict how they would react with each other.
- 18) The test was conducted at Incline Village or, more specifically, the Burnt Cedar Water Disinfection Plant at

Incline Village, by personnel of the plant and with the assistance of Ag Formulators, Inc. "Best Sulfur Products", which appears above the Abstract on the first page of the "Richey et al." reference, is a tradename used by Ag Formulators, Inc. of the instant patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE: 09/05/02

By Donald D. Holbrook

Donald D. Holbrook, President
Ag Formulators, Inc.



Inc.



5427 East Central Ave. • Fresno, CA 93725
Phone (559) 485-0114 • FAX (559) 264-1715

REFER TO OUR
NUMBER

DATE SHIPPED 1/22/99	VIA OR NAME OF CARRIER	Prepaid Unless Checked Collect	Collect	ACCOUNT NO: INCLINVI	003181
-------------------------	------------------------	-----------------------------------	---------	----------------------	--------

INVOICE DATE 01/22/99 CUSTOMER P.O. #: 3181 S/O # NA
CDFA PERMIT #:

SHIPPED TO: INCLINE VILLAGE GENERAL IMPROV
DON RICHEY, SR. SUPERINTENDENT
893 SOUTHWOOD BOULEVARD
INCLINE VILLAGE NV 89451

SHIP TO: INCLINE VILLAGE GENERAL IMPROV
DON RICHEY, SR. SUPERINTENDENT
893 SOUTHWOOD BOULEVARD
INCLINE VILLAGE NV
89451

058

NA

SIZE	QTY	*** DESCRIPTION ***	PRODUCT CODE	PRICE/UN	AMOUNT
156T	4.000	CAPTOR 55G DRUM NSF STD60	BSP6200550		.00
		NO CHARGE PER BRUCE.			
				INVOICE AMOUNT	.00
				SALES TAX AMOUNT	.00
		"For Chemical Emergency Spill, Leak, Fire, Exposure or Accident Call CHEMTRAC Day or Night 800-424-9300"			

TERMS: NET 30 DAYS

INVOICE TOTAL

\$.00

THIS IS TO CERTIFY THAT THE ABOVE NAMED MATERIALS ARE PROPERLY CLASSIFIED, DESCRIBED, PACKAGED, MARKED AND LABELED, AND ARE IN PROPER CONDITION FOR TRANSPORTATION ACCORDING TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

AG FORMULATORS WARRANTS THAT THE CHEMICAL COMPOSITION OF THE PRODUCTS LISTED ABOVE CONFORMS TO THE CHEMICAL DESCRIPTION LISTED ON THE LABEL ATTACHED TO THE PRODUCT. PURCHASER AGREES, THAT IN THE EVENT OF DAMAGES ARISING FROM THE USE OF ANY PRODUCT LISTED ABOVE, TO ACCEPT A REPLACEMENT FOR THE PRODUCT OR A REFUND OF THE PURCHASE PRICE OF THE PRODUCTS

AT PURCHASER'S OPTION, AS FULL DISCHARGE OF AG FORMULATORS' LIABILITY. NO ONE IS AUTHORIZED TO MAKE ANY OTHER WARRANTY OR OFFER ANY OTHER DIRECTIONS CONCERNING THESE PRODUCTS. AG FORMULATORS SHALL NOT BE LIABLE IN ANY EVENT FOR PURCHASER'S LOSS OF PROFITS OR OTHER CONSEQUENTIAL DAMAGE.

SEE REVERSE

TERMS, CONDITIONS AND INSTRUCTIONS

The driver has secured and inspected the load and is satisfied that the material is adequately restrained against movement under normal vehicle operation.

base remit to:

Ag Formulators, Inc.
5427 E. Central Ave.
Fresno, CA 93725

Liquidated damages by way of a finance charge of 2% per month annual percentage rate of 24% will be made on overdue accounts. This is not an agreement of AG FORMULATORS to give further time to pay in exchange for the finance charge. In the event suit is filed against purchaser for collection of this account, purchaser agrees to pay reasonable attorney's fees, court costs and finance charges.

1

EXHIBIT 1



Best Sulfur Products

5427 East Central Ave. • Fresno, CA 93725
Phone (559) 485-0114 • FAX (559) 264-1715

REFER TO OUR
NUMBER

DATE SHIPPED 3/01/99	VIA OR NAME OF CARRIER	Prepaid Unless Checked Collected	Collect	ACCOUNT NO: INCLINVI	003418
INVOICE DATE 03/01/99		CUSTOMER P.O.#: 3418		S/O # NA	
2850 PERMIT #					

OLD TO: INCLINE VILLAGE GENERAL IMPROV
DON RICHEY, SR. SUPERINTENDENT
893 SOUTHWOOD BOULEVARD
INCLINE VILLAGE NV 89451

SHIP TO: INCLINE VILLAGE GENERAL IMPROV
DON RICHEY, SR. SUPERINTENDENT
893 SOUTHWOOD BOULEVARD
INCLINE VILLAGE NV
89451

058

NA

TERMS: NET 30 DAYS

INVOICE TOTAL

\$651.00

THIS IS TO CERTIFY THAT THE ABOVE NAMED MATERIALS ARE PROPERLY CLASSIFIED, DESCRIBED, PACKAGED, MARKED AND LABELED, AND ARE IN PROPER CONDITION FOR TRANSPORTATION ACCORDING TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

14. FORMULATOR'S WARRANTS THAT THE CHEMICAL COMPOSITION OF THE PRODUCTS LISTED ABOVE CONFORMS TO THE CHEMICAL DESCRIPTION LISTED ON THE LABEL AFFIXED TO THE PRODUCT. PURCHASER AGREES, THAT IN THE EVENT OF DAMAGES ARISING FROM THE USE OF ANY PRODUCT LISTED ABOVE, TO ACCEPT A REPLACEMENT OF THE PRODUCT OR A REFUND OF THE PURCHASE PRICE OF THE PRODUCTS.

AT PURCHASER'S OPTION, AS FULL DISCHARGE OF AG FORMULATOR'S LIABILITY. NO ONE IS AUTHORIZED TO MAKE ANY OTHER WARRANTY OR OFFER ANY OTHER DIRECTIONS CONCERNING THESE PRODUCTS. AG FORMULATOR'S SHALL NOT BE LIABLE IN ANY EVENT FOR PURCHASER'S LOSS OF PROFITS OR OTHER CONSEQUENTIAL DAMAGE.

SEE REVERSE
FOR ALL SHIPMENT CONDITIONS AND RESTRICTIONS

The driver has secured and inspected the load and is satisfied that the material is adequately restrained against movement under normal vehicle operation.

Ag Formulators, Inc.
5427 E. Central Ave.
Fresno, CA 93725

Liquidated damages by way of a finance charge of 2% per month annual percentage rate of 24% will be made on overdue accounts. This is not an agreement of AG FORMULATORS to give further time to pay in exchange for the finance charge. In the event suit is filed against purchaser for collection of this account, purchaser agrees to pay reasonable attorney's fees, court costs and finance charges.

EXHIBIT 2

1